

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. Claims 1, 4-10 and 13-19 remain actively pending in the case. Reconsideration of the claim is respectfully requested.

In paragraph 1 on page 3 of the Office Action, claims 1, 5-7, 9-10, 14-16 and 18-19 were rejected under 35 USC §103(a) as being unpatentable over Rex (PTO-892, Item U) in view of PRN (V: PTO-892, Item: V). In paragraph 2 on page 5 of the Office Action, claims 4 and 13 were rejected under 35 USC §103(a) as being unpatentable over Rex (PTO-892, Item: U) and PRN (V: PTO-892, Item: V), as applied to claims 1 and 10, further in view of Kodak (a collection of prior art cited in Paper #2004/10/01, PTO-892, Items: U-V). In paragraph 3 on page 6 of the Office Action, claims 8 and 17 were rejected under 35 USC §103(a) as being unpatentable over Rex and PRN as applied to claims 1 and 10, further in view of Official Notice (regarding within the skill). Applicants respectfully traverse the rejections.

First, Rex fails to teach or suggest maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities. Rather, Rex merely discloses that Photo-Me International joined forces with British Telecommunications (BT) to deliver photography booths and fourteen online merchants plan to offer services via the booths. See page 4. However, Rex does not disclose maintaining information on a server with respect to a business relationships between a plurality of photo service providers and a plurality of business entities.

PRN fails to remedy the deficiencies of Rex as PRN also fails to teach or suggest at least maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities. Rather, PRN discloses an interactive kiosk in a mall that allows shoppers to connect to online shopping and services sites. The shoppers will also be able to view a mall directory. See page 3. However, Rex does not disclose maintaining information on a server with respect to a business relationships between a plurality of photo service providers and a plurality of business entities.

Second, the cited references fail to teach or disclose providing an offering for a desired good or service from two or more of said plurality of service providers from said server at one of said order terminals based on said business relationships stored on said server.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to the collection of art cited in Paper #20041001 is moot, inasmuch as the combination of Rex, PRN and the collection of art cited in Paper #20041001 still lack any teaching, disclosure, or suggestion concerning offering for a desired good or service and maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities and as previously discussed.

With respect to the Office Action taking Official Notice, Applicants respectfully assert that mall merchants selling the same or comparable products establish a hostile business relationship do not constitute facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. The references relied on by the Examiner, for example, fail to disclose this purportedly "well known" fact. Applicants contend that reasonable doubt exists regarding the circumstances justifying the Examiner's exercise of official notice, and request that the Examiner provide evidence that demonstrates the appropriateness of the officially noticed facts pursuant to MPEP § 2144.03. Applicants reserve the opportunity to respond to the Examiner's comments concerning any such judicially noticed facts.

Rejected independent claims 10 and 19 recite one or more features generally similar to those of claim 1 discussed above. Accordingly, for similar reasons as discussed above, independent claims 10 and 19 are believed to be patentable over the cited references. Because claims 4-9 and 13-18 depend from claims 10 and 19, respectively, and include the features recited in the independent claim, Applicants respectfully submit that claims 4-9 and 13-18 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.